

Fiscal Year 2006 FAA Appropriations Cheat Sheet H.R. 3058

General Numbers

Provides \$8,036,000,000 (increase from \$7,775,000,000 in FY05) for:

- Operations and research related to commercial space transportation
- Administrative expenses for research and development
- Establishment of airnav facilities
- Operation (including leasing) and maintenance of aircraft
- Subsidizing the cost of aeronautical charts and maps sold to the public
- Lease or purchase of passenger motor vehicles for replacement only

\$5,541,000,000 from Trust Fund

Not to exceed \$6,629,000,000 for air traffic services activities

Not to exceed \$958,542,000 for aviation regulation and certification activities

Not to exceed \$11,759,000 for commercial space transportation activities

Not to exceed **\$50,983,000** for financial services activities

Not to exceed \$69,943,000 for human resources program activities

Not to exceed \$150,744,000 for region and center operations and regional coordination activities

Not to exceed \$142,000,000 for staff offices

Not to exceed **\$36,112,000** for information services

No less than \$7,500,000 for the contract tower cost sharing program

Grants-In-Aid for Airports (Trust Fund)

<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
<u>From trust fund and available until expended</u>		
\$3,400,000,000	\$2,800,000,000	\$3,399,000,000
<u>No obligations over</u>		
\$3,400,000,000	\$3,500,000,000	\$3,550,000,000
<u>Administration</u>		
\$66,254,000	\$68,802,000	\$71,096,000
<u>Small Community Air Service Development Program</u>		
\$20,000,000	\$20,000,000	\$10,000,000
<u>Airport Cooperative Research Program</u>		
\$0	\$0	\$10,000,000

- Reiterates that AIP may be used for the procurement, installation, and commissioning of runway incursion prevention devices and systems.
- Retained provision prohibiting use this money for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements necessary to install bulk EDS.

- Rescinds \$1,032,000,000 in FY06 contract authority for AIP. FAA's Budget Office will provide Airports with the actual dollar amount of the rescission. Includes a new provision requiring Part 139 certified airports to meet the FAA's runway safety area design standards by December 31, 2015. FAA must provide a report to Congress annually documenting its progress in meeting this goal.

Facilities & Equipment (Trust Fund)

<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
\$2,910,000,000	\$2,540,000,000	\$2,540,000,000
[minus \$30,000,000 rescission]		[\$2,110,789,500 available thru 9/30/08] [\$429,210,500 available thru 9/30/06]

Research, Engineering & Development (Trust Fund)

<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
\$119,439,000	\$130,927,000	\$138,000,000
		[available thru 9/30/08]

General FAA Provisions of Note

- Section 101 continues the requirement that FAA accept airport grant funded ILSs and their associated lighting and RVR equipment.
- Section 103 continues prohibition on guidelines or regulations requiring airport sponsors to provide FAA without cost building construction, maintenance, etc.
- Section 104 allows the FAA to reimburse itself with overflight fees if EAS is immediately funded from the agency's appropriation. This does not apply to the Small Community grant program in FY06, and FAA should credit any amount remaining in the account at the end of this year to fund the EAS authorization in FY07. House Report 109-153 page 11.
- Section 106 continues prohibition on using funds to change the weight restrictions or prior permission rules at Teterboro Airport.
- Section 107 continues prohibition on funds for engineering work for an additional runway at Louis Armstrong New Orleans International Airport.
- Section 108 extends the dates DOT's insurance program for airlines and war risk through dates in 2006.
- Section 109 creates a special "virtual primary" rule which uses the same qualifying criteria as previous rules, but limits the entitlement to \$500,000. *The list of FY06 VPs is contained on the Q-drive, national/grants folder, "virtual primary final 2006"*

General DOT Provisions of Note

- Section 167 continues the “3-day rule” with respect to notifying the appropriations committees about DOT discretionary grants, letters of intent or full funding grant agreements totaling \$1m or more from certain grant programs, including AIP.
- Section 172 continues the prohibition on the EAS local participation pilot program.
- Section 175 allows FAA to provide an AIP grant to Huntsville Airport for land acquisition costs that would not otherwise be eligible for AIP funding.
- Section 176 allows airports whose enplanements changed from nonhub primary to small hub primary while receiving discretionary funds for a terminal development project to retain the funding eligibility of a nonhub primary for three fiscal years after the start of construction of the terminal project. The Secretary may extend the eligibility if he determines it is justified. Senator Bond offered this provision as an amendment in order to address a specific situation at Springfield Branson Airport, however it does not specifically exclude other airports in the same situation. Grand Canyon and Bangor also moved up from nonhub to small hub but they are not building new terminals. *FAA may consider including this or similar language in its reauthorization proposal as it's a good transition for growing airports.*
- Section 177 makes an air tour operator flying over the Hoover Dam to the Grand Canyon National Park as flying solely as a transportation route.
- Section 178 extends the date air carriers are required to honor tickets for airlines that suspend, interrupt, or discontinue their service on the same route because of insolvency or bankruptcy until November 30, 2006.
- Section 179 allows certain employees involuntarily separated from the FAA because they worked in a Flight Service Station to retain their federal retirement and work as temporary federal employees for Lockheed Martin until October 4, 2007 or when they become eligible for an immediate annuity.
- Section 180 transfers land from the Department of Interior to Clark County, Nevada for a heliport. Requires the FAA to establish a special flight rules area and any operating procedures necessary to establish specific flight restrictions over the Sloan Canyon National Conservation Area.
- Section 181 adds Missouri to the list of states that can travel to/from Love Field in Dallas, Texas.
- Section 182 prohibits the FAA from providing its FY07 budget justifications to any committee except Appropriations until May 31, 2006.
- Section 183 reiterates that only the Appropriations Committees may approve or deny reprogramming requests and states that the Secretary may only provide notice of an approval or denial to another committee 30 days after House and Senate Committees on Appropriations take their action.
- Section 185 provides \$17M for an independent verification regime and reimbursement of Washington, DC-area fixed based general aviation operators and providers of general aviation ground support services for direct and incremental financial losses as a result of actions taken by the federal government following the terrorist attacks of September 11, 2001. DOT must verify the direct and incremental financial losses through an independent audit by July 14, 2006,

prior to providing any funds. Obligation and expenditure of the funds are conditional upon full release of the government for all financial claims from the closing of the facilities. The bill stipulates this is to be funded through Title I of this Act, under the heading "Office of the Secretary, Transportation Planning, Research, and Development". Page 166 in H. Rept. 109-153.

General Provisions this Act (Title VII)

- Section 701 says funds needed for FY06 pay raises should be found in this year's and previous year's appropriated levels.
- Section 705 continues Congressional direction regarding budget augmentation rules.
- Section 708 requires government agencies to ensure that the recipient of money from this bill will comply with the "Buy American Act" before providing them with any funds.
- Section 709 states that none of the money in this bill can be made available to any person or entity that has been convicted of violating the "Buy American Act."
- Section 710 says that agencies can't create new programs, eliminate programs, projects, activities, increase funds or personnel for a program, project, or activity which has been denied or restricted by Congress, etc. without first getting prior approval from the Appropriations Committees. This section also requires all agencies funded by the act to provide the Appropriations Committees with a specific report establishing the baseline for application of reprogramming and transfer authority for FY06 within 60 days of the report becoming law. If this report is late, the amount of funds appropriated for salaries and expenses for the agency will be reduced by \$100,000 for every day the report is late.
- Section 723 reinstates the \$2,500 threshold for noncompetitively bid contracts by repealing the section in Public Law 109-62 which increased it to \$250,000 for spending related to Hurricane Katrina.
- Section 726 limits the government's ability to fund any local project that will use eminent domain to projects which benefit the general public. This section states that economic development which primarily benefits private entities is not public use. Airport development meets the public use definition.

**General Provisions Government-Wide
Departments, Agencies and Corporations (Title VI)**

- Section 812 says that if both chambers of the Congress have passed a joint resolution disapproving of a regulation, none of the funds in this bill can be used to implement, administer, or enforce that regulation.
- Section 830 requires any RFPs, solicitations, grant applications, forms, notifications, press releases, or other publications involving the distribution of federal funds to state the agency providing the funds, the Catalogue of Federal Domestic Assistance Number, and the amount provided. This provision also applies to direct payments, formula funds, and federal grants received by a state.
- Section 839 requires appropriate departments and agencies to transfer or reimburse FAA funding to ensure the uninterrupted, continuous operation of Midway Atoll Airfield pursuant to an operational agreement with the Department of the Interior. This section applies for the entirety of FY06 and period thereafter which precedes enactment of the FY07 Treas/Transpo Approps bill. OMB directs the transfers which cannot exceed \$6M for any 12-month period. The funding is to be used for operation of the airfield or airfield-related capital upgrades. OMB has a reporting requirement. Transfers or reimbursements must begin within 30 days of this bill's enactment.
- Section 841 prohibits using funds for transfers or reimbursements to OMB for e-gov initiatives prior to 15 days after OMB has provided the Appropriations Committees with a specific report.
- Section 843 provides a 3.1 percent pay increase to employees under statutory pay systems within funds provided to each applicable department or agency.

Statement of Managers House Report 109-307

The language and allocations set forth in the House and Senate reports should be complied with unless specifically addressed to the contrary in the conference report and the statement of managers. Report language included by the House which is not changed by the report of the Senate or this statement of managers and Senate report language which is not changed by this statement of managers is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

Title I - DOT

- DOT must notify the Appropriations Committees three full business days before any grant totaling \$1M is announced and further clarifies that the notification should be based on the grants full-year funding level, not just the incremental amount being released. Page 1-2
- The conferees reiterate the need for better budget materials from DOT and direct the department to provide additional details in the FY07 budget justification materials. Page 1-2.
- S-1 must submit an FY06 operating plan for the entire Department as described in the House report within 60 days of enactment of this Act. Further, the Assistant Secretary for Budget and Programs shall submit a quarterly report on the status of all outstanding reports and reporting requirements as directed by the Senate. Page 1-2.
- The conferees direct S-1, in consultation with the Secretary of Health and Human Services and AOA-1, to establish procedures to ensure that proper precautions are taken by airports and air carriers to recognize and prevent the spread of avian flu. This must be done with 60 days of enactment. Page 1-3.
- The conferees urge DOT and FAA to consider allocating permanent slots at LaGuardia Airport to allow Akron-Canton, Ohio and Newport News-Williamsburg, Virginia to each have permanent third roundtrips to LaGuardia with stage III aircraft with no less than 110 and no more than 125 seats their highest priority. Page 1-3.

FAA Operations

- Transfers between budget activities of more than two percent are subject to reprogramming procedures contained in this act. Page 1-7.
- The conference agreement includes \$2M for the national airspace redesign project in the New York/New Jersey metropolitan area. The FAA cannot reprogram these funds. Page 1-9 of Statement of Managers. Page 24 of Senate Report.
- New York/New Jersey/Philadelphia airspace redesign EIS must consider noise mitigation or none of the funds appropriated may be spent on it or anything else. Page 1-9.
- The conferees recommend the DOT work with the EPA to establish reasonable methods of compliance for the EPA's Spill Prevention Control and

Countermeasure (SPCC) requirements as they related to on-airport mobile refuelers to ensure that regulations are not unreasonably costly. Page 1-10.

- The conference agreement provides \$5M for the development of non-precision GPS approaches and flight procedures at non-part 139 certified airports. Page 1-10.

FAA F&E

- Of the funds provided to F&E (\$2,540,000,000), \$4M is for a research program to improve airfield pavements. Page 1-12.
- Provides \$9M for the approach lighting system improvement program. Of these funds:
 - \$3M is to continue the program of providing lighting systems at rural airfields throughout Alaska
 - \$1M is for a MALSR at Lee Gilmer Airport in Gainesville, GA
- Directs FAA to submit a letter to the Appropriations Committees that indicates the schedule for issuing the new MALSR specification. Page 1-16. Page 41 of Senate Report.
- Provides \$19,850,000 for ILSs as follows:

ILS Earmarks

Location	Item	Conference Agreement
Fort Lauderdale-Hollywood, FL	Install previously procured approach lighting system (runway 31)	\$1,800,000
Long Beach, CA	Install previously procured approach lighting system (runway 25R)	\$2,000,000
Hartsfield-Jackson International, GA	Acquire and install replacement LPDME	\$400,000
Keokuk Municipal, IA	Install previously acquired glide slope	\$550,000
Klawock, AK	Install previously acquired ILS	\$1,800,000
McCook Municipal, NE	Phase II installation of glide slope and PAPI system	\$675,000
Western Nebraska (Scottsbluff) Regional, NE	Acquire and install glide slope and MALSR	\$1,900,000
McAllen-Miller Airport, TX	Acquire and install ILS	\$1,623,000
Somerset Airport, KY	Installation of previously acquired ILS	\$1,525,000
Leesburg Executive Airport, VA	Installation of previously acquired ILS	\$2,000,000
Ozark Regional Airport, AR	Final phase of ILS installation	\$577,000

Page 1-16 and 1-17.

- Provides \$4,400,000 for the cost sharing initiative. Page 1-17

- Provides \$600,000 for the FAA to conduct site surveys to determine costs and feasibility for installing ILSs at these airports:
 Reno/Tahoe International, NV
 University Park, PA
 Aiken Municipal, SC
 Wendover, UT
 Menomonie Municipal – Score Field, WI
 Taylor County, WI
 Page 1-17.
- Provides \$0 for TLS. Page 1-17.

FAA AIP

- Of the funds covered by the obligation limitation in this bill (\$3,550,000,000), the FAA is directed to provide not less than the following amounts, out of available resources, for the corresponding projects. State apportionment funds may be construed as discretionary funds for the purposes of implementing this provision. “To the maximum extent possible, the administrator should work to ensure that airport sponsors for these projects first use available entitlement funds to finance the projects.” The FAA should not require sponsors to apply carryover entitlements to discretionary projects funded in the coming year, but only those entitlements applicable to the fiscal year 2006 obligation limitation. Page 1-20

124 earmarks worth \$195M. Fewer earmarks and less dollars marked than last year.

See attached spreadsheet.

General FAA Provisions

- States that in regards to extending virtual primary subsidies to airports in FY06, it is the conferees intent that this will be the last extension for such subsidies. Page 1-22.

General Provisions Government-Wide Departments, Agencies and Corporations (Title VI)

- The conferees note that the fuel farm on Midway Island is a critical but aging facility that is essential to the functioning of several federal agencies in the region. The conferees expect the Director of OMB to submit a report to the Appropriations Committees by July 1, 2006 outlining his plan to replace the fuel farm and detailing which federal agencies will be assessed the necessary funds to replace the facility. Page 8-6A.

House Bill Provisions of Note
H.R. 3058
Report 109-153

- Reiterates that the Appropriations Committees' relationship is primarily through the budget offices, but reserves the right to call upon all offices in the departments, agencies, and commissions. Page 3.
- States that if a series of extension acts result in incrementally funding some grants, DOT should notify the Appropriations Committees of grants which are anticipated to total \$1M during the fiscal year. Expresses the committee's displeasure with the manner in which some FY05 grants were announced. Page 6.
- Expresses displeasure with the manner in which the Assistant Secretary for Budget and Programs' office impeded the committee's access to modal administrations. Page 6 – 7.
- Strongly encourages DOT to implement the code-sharing pilot program for EAS as authorized by Section 406 of Vision 100. Page 11.
- The committee directs FAA to continue focusing on ways to reduce sick leave, to improve productivity, and to lessen the need for additional staffing resources in future years. Page 14.
- The committee directs the IG to provide a follow up to its September 12, 2003 report on FAA management and controls over MOUs. Page 14.
- Urges the FAA to conduct thorough and complete remediation of the mold found in the Detroit Metropolitan air traffic control tower. Page 18.
- Provides an addition \$100,000 for a new FTE in AGI for a total funding level of \$1,396,000. Page 19.
- Prohibits using funds in the act for conducting aeronautical charting and cartography activities through the Working Capital Fund. Page 20.
- Encourages the FAA to promptly consider the Panama City-Bay County International Airport Authority's LOI application. Page 25.
- States that \$973,112,398 is available for discretionary grants to airports but does not include a high priority project list. Page 25.

Senate Provisions of Note
H.R. 3058
Report 109-109

- Reiterates that the Appropriations Committees' relationship is primarily through the budget offices, but reserves the right to call upon all offices in the departments, agencies, and commissions. Page 5.
- Expresses the Committee's disappointment with the level of detail being provided by the Office of the Assistant Secretary for Budget and Programs in the budget justifications. Page 10.
- Prohibits using funds in the act for conducting aeronautical charting and cartography activities through the Working Capital Fund. Page 22.
- Recommends \$1,600,000 to continue the implementation of the Alien Species Action Plan adopted by the FAA as part of the August 26, 1998 ROD for Kahului Airport in Maui.
- Urges FAA to perform an EA of Louisville International Airport's west offset approach and departure proposal in their approved Part 150 as expeditiously as possible. As soon as the cost of the EA has been quantified, the FAA should submit a letter articulating the cost and schedule for the EA to the Appropriations Committees. Page 24.
- Directs the FAA to explore the use of continuous descent approaches for night-time operations at Philadelphia International Airport to determine possible decreases in noise levels within Delaware. The FAA must report its findings in a letter to the Appropriations Committees within one year of enactment. Page 24.
- The committee expects the Administrator to accommodate a proposed general reduction of \$18,702,000 by reducing overtime, sick leave, and official time costs; by improving productivity and training processes; and by consolidating facilities without jeopardizing the safe and efficient management of the NAS. Page 27. Conference Report includes an undistributed reduction of \$13,083,000.
- Directs FAA to submit a letter to the Appropriations Committees that indicates the schedule for issuing the new MALSR specification. Page 41.
- States that \$902,442,269 is available for discretionary AIP grants to airports and that the Committee expects the FAA to give priority consideration to applications for a list of projects contained in the report. States that if remaining discretionary funds are used for projects not contained in this list, the Committee expects they will be for projects that have LOIs or for projects that will produce significant aviation safety improvements or significant improvements in system wide capacity or otherwise have very high benefit cost ratio. Page 47 – 51.
- Encourages the FAA to give priority consideration the Panama City-Bay County International Airport Authority's LOI application. Page 52.
- Includes a provision that allows AIP to be used by airports to procure and install runway incursion prevention systems and devices. Page 52.
- Recommends limiting funding for the electronic grant systems development and integration to the base level of \$500,000 and reduces inflationary growth by \$584. Page 52.
- Expresses strong views that research, even airport-related research, is not authorized under AIP. Page 52.